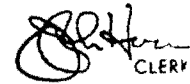


**FILED****MAY 24 2013**  
CLERKUNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISIONPUSH PEDAL PULL, INC., Formerly known  
as The R. D. Rogers Company,

Plaintiff,

Vs.

KENT CASPERSON, individually, and 2<sup>ND</sup>  
WIND EXERCISE EQUIPMENT, INC.,

Defendants.

CIV. 13 - 4057

NOTICE  
OF  
REMOVAL**TO THE ABOVE-ENTITLED COURT:**

Pursuant to 28 U.S.C. § 1446(a), Defendant 2<sup>nd</sup> Wind Exercise Equipment, Inc., (hereinafter referred to as "Defendant 2<sup>nd</sup> Wind") hereby gives notice that it removes this case to the United States District Court, District of South Dakota, Southern Division, and asserts as follows:

1. Plaintiff Push Pedal Pull, Inc., (hereinafter "Plaintiff") is a privately held South Dakota corporation. In February of 2012, The R. D. Rogers Company amended its articles of incorporation and changed its name to Push Pedal Pull, Inc. Plaintiff is the successor to The R. D. Rogers Company.

2. Defendant Kent Casperson (hereinafter "Casperson") is a resident of Hennepin County, Minnesota.

3. Defendant 2<sup>nd</sup> Wind is a Minnesota corporation with its principal place of business located in Eden Prairie, Minnesota.

4. On April 29, 2013, Defendant 2<sup>nd</sup> Wind's registered agent in Pierre, South Dakota, was served with a summons and complaint dated April 25, 2013, relating to an action commenced by Plaintiff in the Circuit Court for the State of South Dakota, Second Judicial Circuit, Minnehaha County; copies of the summons and complaint are attached hereto and incorporated by this reference as Exhibit "A", which constitute all process and pleadings served upon Defendants in this action. Attached hereto as Exhibit "B" are copies of the Affidavit of Service upon both defendants.

5. In its Complaint, Plaintiff seeks general and punitive damages and injunctive relief for claims including misappropriation of trade secrets, breach of fiduciary duty, breach of contract, unjust enrichment, violations of computer fraud and abuse act, interference with contract, aiding and abetting a breach of fiduciary duty, and unfair competition.

6. Defendant 2<sup>nd</sup> Wind is informed and believes that the Plaintiff's claims arise from Defendant Casperson's employment with 2<sup>nd</sup> Wind. Defendant Casperson was previously employed by Plaintiff.

7. Because Plaintiff is a corporation with its residence in South Dakota, and Defendants are both residents of Minnesota, there is complete diversity between and among the parties.

8. Removal is proper under 28 U.S.C. §. 1441 as this is a civil action between citizens of different states and the amount in controversy exceeds \$50,000.00, exclusive of interest and costs. (Defendant 2<sup>nd</sup> Wind does not concede that Plaintiff is legally entitled to damages in excess of \$50,000.00, or in any amount).

9. This Notice of Removal is timely filed with thirty days as required by 28 U.S.C. § 1446(b).

10. Accordingly, Defendant 2<sup>nd</sup> Wind seeks to remove this action from the Circuit Court for the State of South Dakota, Second Judicial Circuit, Minnehaha County, to the United States District Court for the District of South Dakota, Southern Division.

11. This Notice is filed with the Court pursuant to 28 U.S.C. § 1446(a).

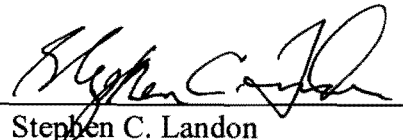
12. This Notice will also be filed with the Clerk of the Circuit Court for the State of South Dakota, Second Judicial Circuit, within and for Minnehaha County, pursuant to 28 U.S.C. §. 1446(d).

Wherefore, Defendant 2<sup>nd</sup> Wind prays that all further proceedings be had as provided by the laws of the United States.

Dated this 24 day of May, 2013.

CADWELL SANFORD DEIBERT  
& GARRY, LLP

By: \_\_\_\_\_



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Attorneys for Defendant 2<sup>nd</sup> Wind Exercise  
Equipment, Inc.

CERTIFICATE OF SERVICE

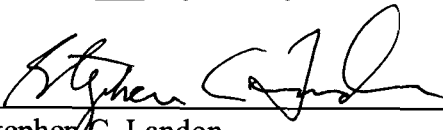
The undersigned certifies that a true and correct copy of the foregoing was served upon the parties hereto as follows:

Steven D. Sandven  
Steven D. Sandven Law Office, PC  
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Sioux Falls, SD 57106

Bruce Recher  
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John P. Mullen  
Boyce, Greenfield, Pashby and Welk  
PO Box 5015  
Sioux Falls, SD 57117-5015

by first class United States mail, postage prepaid, this 24 day of May, 2013.

  
\_\_\_\_\_  
Stephen C. Landon